

## **REMARKS**

Claims 1-12, 23 and 25-36 are pending in the present application.

Claims 13-22 and 24 have been canceled without *prejudice*.

Claims 25-36 are hereby withdrawn without *prejudice*.

Claims 1-12 and 23 stand rejected under 35 U.S.C. § 101.

Claims 1-12 and 23 stand rejected under 35 U.S.C. § 112.

Applicants note with thanks the Examiner's response of 17 December 2008. Applicants further note with thanks the Examiner's withdrawal of the previous objection to the Specification. In addition, Applicants note the Examiner's withdrawal of Claims 25-36.

Applicants respectfully submit that all of Applicants arguments and amendments are without *prejudice* or *disclaimer*. Applicants further respectfully submit that by not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. In addition, Applicants reserve the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

## **REJECTION UNDER 35 U.S.C. § 101:**

Claims 1-12 and 23 stand rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter. In particular, the Examiner states:

Claims 1-12 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Pursuant to the May 15, 2008 Memorandum from John J. Love, Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office (memo), the claims 1-12 and 23 are nonstatutory as the claims are not tied to a statutory class nor transform the underlying subject matter to a different state or thing. Further, the claims may be practiced by hand. Applicant's September 12, 2008 Amendment does not obviate the rejection. No computer is claimed in the body of the claim. A server, in broad scope and content, may be no more than an individual.

(17 December 2008 Final Office Action, pages 2-3). Applicants respectfully disagree and respectfully traverse the Examiner's assertion that a "server, in broad scope and content, may be no more than an individual." (17 December 2008 Final Office Action, pages 2-3).

Nonetheless, Applicants have independent Claims 1 and 23 to expedite prosecution of the subject Application. By making these amendments, Applicants do not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of these claims under 35 U.S.C. § 101, as set forth in the Office Action. In addition, Applicants respectfully submit that the amendments to independent Claims 1 and 23 are not necessitated by any prior art and are unrelated to the patentability of the present invention.

For at least these reasons, Applicants respectfully submit that Claims 1-12 and 23 are directed to statutory subject matter. Applicants further respectfully submit that Claims 1-12 and 23 are in condition for allowance. Therefore, Applicants respectfully request that the rejection of Claims 1-12 and 23 under 35 U.S.C. § 101 be reconsidered and that Claims 1-12 and 23 be allowed.

In addition, Applicants respectfully request that the Examiner call the undersigned at (480) 830-2700, if the Examiner has additional comments or suggestions to the 35 U.S.C. § 101 rejection of the subject Application or if the Examiner believes it would be easier to discuss the 35 U.S.C. § 101 rejection over the telephone.

**REJECTION UNDER 35 U.S.C. § 112:**

Claims 1-12 and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully disagree.

Nonetheless, Applicants have amended Applicants claims to expedite prosecution of this Application and to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. By making these amendments, Applicants do not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of these claims under 35 U.S.C. § 112, as set forth in the Office Action. In addition, as noted above,

Applicants respectfully submit that the amendments to independent Claims 1 and 23 are not necessitated by any prior art and are unrelated to the patentability of the present invention.

Applicants respectfully submit that Claims 1-12 and 23 are considered to be in full compliance with the requirements of 35 U.S.C. § 112. Applicants further respectfully submit that Claims 1-12 and 23 are in condition for allowance. Therefore, Applicants respectfully request that the rejection of Claims 1-12 and 23 under 35 U.S.C. § 112 be reconsidered and that claims 1-12 and 23 be allowed.

**CONCLUSION:**

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although Applicants believe no fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

17 February 2009  
Date

/Steven J. Laureanti/signed  
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**CUSTOMER NO. 53184**